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DEPARTMENT OF STATE

Washington, D.C. 20520

NSC UNDER SECRETARIES COMMITTEE

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in 4-1*

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NSC-U/DM-137A

April 21, 1976

TO:       The Deputy Secretary of Defense  
          The Assistant to the President for  
              National Security Affairs  
          The Director of Central Intelligence  
          The Chairman of the Joint Chiefs of Staff  
          The Deputy Secretary of the Treasury  
          The Under Secretary of Commerce  
          The Under Secretary of Health, Education  
              and Welfare  
          The Under Secretary of Transportation  
          The Special Trade Representative  
          The Chairman, Council on Environmental  
              Quality  
          The Administrator, Environmental  
              Protection Agency  
          The Director, Arms Control and  
              Disarmament Agency  
          The Director, National Science Foundation  
          The Director, United States Information  
              Agency  
          The Acting Executive Director, Council on  
              International Economic Policy

SUBJECT: Second Quarterly Report on Implementation  
          of the Final Act of the Conference on  
          Security and Cooperation in Europe (CSCE)

The Chairman has forwarded the attached Memorandum  
to the President. A copy is provided for your  
information.

*Wreatham E. Gathright*  
Wreatham E. Gathright  
Staff Director

Attachment:

As stated

Executive Registry  
Room 7-E-12  
Headquarters

EXECUTIVE REGISTRY FILE 76-1.3

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State Dept. review completed

THE DEPUTY SECRETARY OF STATE  
WASHINGTON

NSC UNDER SECRETARIES COMMITTEE

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NSC-U/DM-137A

: April 20, 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Second Quarterly Report on Implementation  
of the Final Act of the Conference on  
Security and Cooperation in Europe (CSCE)

This is the second quarterly report submitted by the NSC Under Secretaries Committee on implementation of the provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE). It covers the period November 1, 1975 - January 31, 1976, and reports those actions related to the CSCE which have been taken since the end of the last reporting period.

While the CSCE involved thirty-five states, it is also an important element of our relations with the Soviet Union. Implementation of the Final Act's provisions offers additional opportunities to engage the Soviets in areas of constructive activity where cooperation can be mutually advantageous. It also gives us new possibilities for making progress in areas such as family reunification and binational marriages which have been long-standing bilateral problems between the US and the Soviet Union and the Eastern European states. The follow-up meetings set for Belgrade in 1977 will be an occasion for reviewing implementation and considering possible further steps in the CSCE context. Our approach to implementation of CSCE has been keyed to these aspects of the post-Conference situation, and to the fact that implementation is an integral part of the overall East-West equation.

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The November-January reporting period can be characterized generally as one of transition from interpretation and organization to one of more active implementation efforts. NATO continues to be the focal point of Western coordination on CSCE implementation, with exchange of information and consultations on implementation a regular fixture on the organization's weekly agenda. The NATO International Staff prepared a report on implementation for consideration at the December 11-12 meeting of the North Atlantic Council at ministerial level. The US has participated fully in all these activities, and has urged the Allies to do the same.

The Warsaw Pact governments evidently developed guidelines for implementation at meetings of Communist Party leaders in Warsaw on December 9 and January 26-28 and of Foreign Ministers in Moscow on December 15-16. The communique of the Moscow meeting stated that the Warsaw Pact countries would "fully implement the principles and agreements" of the Final Act and would take steps to "lend more concrete substance" to European security and detente. These meetings were followed by several specific implementation steps by the Communist countries.

The USSR on January 4 gave advance notification of a major military maneuver named Caucasus held near the Turkish-Soviet border from January 25 - February 6. The Soviets also invited observers to this maneuver from CSCE participant states in the area, including two NATO members, Greece and Turkey.

General Secretary Brezhnev, in a speech in Warsaw on December 9, called for all-European conferences on energy, transportation and the environment to continue the process of cooperation in fields covered by Basket II of the Final Act. Two Eastern European countries, Czechoslovakia and Bulgaria,

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have issued decrees permitting establishment of foreign business offices, in keeping with CSCE provisions on improving working conditions for businessmen, and consultations have begun at the UN Economic Commission for Europe, (ECE) in Geneva on carrying out those CSCE provisions which are the responsibility of the ECE.

In the more sensitive Basket III area, the Soviets have somewhat eased regulations governing internal travel by foreign journalists, and we have responded by easing our own regulations in a similar way. The Soviets have also taken a number of steps evidently aimed at simplifying application for emigration and reducing its cost, and have reportedly permitted delivery of some printed religious material, in accord with CSCE provisions. A Soviet official has also announced the USSR's intention to permit circulation of 18 Western newspapers, including the New York Times and Le Monde. We have no information on the conditions of distribution, but if past practice is a guide the availability of these publications is likely to be highly restricted.

Overall Eastern practices in the field of Human Rights have not changed. Dissident physicist Andrei Sakharov was denied permission to go abroad to receive his Nobel Peace Prize, and Mrs. Irina McClellan, the Soviet wife of an American citizen, has not been permitted to join her husband in the US despite widespread publicity and interventions by our Embassy in Moscow. Overall emigration and family reunification patterns remain about the same in the USSR and Eastern European states.

Interest in expanding cultural and educational exchanges is high in the US and in the Soviet Union and the Eastern European countries. We have tabled draft bilateral agreements on cultural-educational-scientific exchanges with Bulgaria, Czechoslovakia

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and Hungary, and negotiations are going forward at differing paces depending on the different local situations. In a report to Congress, the Chairman of the United States Advisory Commission on International Cultural Exchanges has recommended that the CSCE provisions be used to increase such exchanges. However, US government funds are insufficient for such an increase at this time.

Eastern steps toward implementation have been accompanied by more energetic Communist criticism of Western implementation action. Communist representatives and Eastern propaganda have accused the West of unduly stressing the freer movement provisions of Basket III, while ignoring the list of principles for interstate relations, which the Eastern nations themselves consider the most important section of the Final Act. The Communists have accused the West of seeking through Basket III to intervene in their internal affairs, and of failing to carry out certain provisions of the CSCE, such as full distribution of the Final Act and easing of procedures related to travel.

We believe our performance in implementing the great majority of the Final Act's provisions cannot be faulted. Nevertheless, certain US visa practices, such as exclusion of Communist party members, expose us to possible criticism for failure to "facilitate wider travel" and "gradually to simplify and to administer flexibly the procedure for exit and entry," as called for in the Final Act. Should fees for US immigration visas be increased, as noted in the first quarterly report, we could also be criticized for failing to implement the Final Act commitment "gradually to lower . . . the fees for visas." The State Department Visa Office has undertaken a review comparing the provisions of the Final Act to our current practices in an attempt to identify areas in which our procedures can be improved, within the terms of

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the Immigration and Nationality Act. Inability to expand our existing exchange programs with the USSR and the Eastern European states could also lead to accusations of failure to carry out the Final Act's provisions.

Activity during the reporting period suggests that the Soviet Union and its Allies have decided to take certain limited steps toward implementation of the provisions of the CSCE Final Act. However, the Eastern countries will have to come considerably closer to full implementation before the June 1977 follow-up meetings in Belgrade to satisfy Western public opinion. A serious analysis of the Final Act circulated during the reporting period by the American Jewish Committee (AJC) found that the West gained at least as much--and possibly more--in the Human Rights field in CSCE as the Soviets did in terms of legitimization of frontiers in Europe, but underlined the expectation of the US public that the Administration will continue to press for full implementation. The AJC report particularly noted the importance of the Belgrade follow-up meetings and of a continuing follow-up mechanism for ensuring full implementation.

At the same time, the Soviets and their allies have taken the offensive in criticizing Western implementation wherever possible in order better to defend gaps in their own implementation. The Western countries, including the US, will have to examine conscientiously their own practices in relation to CSCE commitments, and prepare themselves to respond to Eastern criticisms prior to and at Belgrade. The Belgrade meetings thus have considerable potential, not only for further constructive efforts, but also for East-West recriminations. Eastern representatives have indicated concern that such recriminations might occur. The follow-up meetings look increasingly as though they may be a complex and closely watched

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barometer of East-West relations. Our eventual approach to the Belgrade meetings will need to take into account the general state of East-West relations in mid-1977, as well as CSCE implementation.

Nevertheless, perceptions of the significance of the CSCE have continued to mature, and there has been a growing realization that the Final Act represents a Western achievement, provided it is implemented in a meaningful way. The views of Andrei Sakharov are particularly relevant to this question because of his role as spokesman for Soviet dissidents. In his Nobel Peace Prize acceptance speech, delivered on his behalf on December 11 by his wife, Sakharov criticized the USSR for not fully implementing the provisions of the Final Act, and said:

"The final agreement reached at the Helsinki conference has a special claim on our attention, because here for the first time official expression is given to a nuanced approach which appears to be the only possible one for a solution of international security problems. This document contains far-reaching declarations on the relationship between international security and the preservation of human rights, freedom of information and freedom of movement.

"These rights are guaranteed by solemn obligations entered into by the participating nations. Obviously we cannot speak here of a guaranteed result, but we can speak of fresh possibilities that can only be realized as a result of long-term planned activities, in which the participating nations, and in particular the democracies, maintain a unified and consistent attitude."


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In these circumstances, the policy enunciated in your Helsinki speech, with its emphasis on implementation as the test of the CSCE, continues to represent the most cogent approach to the results of the CSCE.



Charles W. Robinson  
Chairman

Attachment:

CSCE Report

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SECOND QUARTERLY REPORT ON IMPLEMENTATION  
OF THE FINAL ACT OF THE CONFERENCE ON  
SECURITY AND COOPERATION IN EUROPE (CSCE)

November 1, 1975 - January 31, 1976

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